

**Minneapolis City Planning Department Report  
Vacations**

Vac-1382, Vac-1383, Vac-1384 and Vac-1385  
*Humboldt Greenway Phases 2 and 3*

**Date:** November 4<sup>th</sup>, 2002

**Applicant:** Hennepin County

**Location of Property (see attached exhibits):**

*Vac-1382:* Southerly portion of north/south alley north of and intersecting 50<sup>th</sup> Avenue North between Dupont and Emerson Avenues North.

Southerly portion of north/south alley north of and intersecting 50<sup>th</sup> Avenue North between Emerson and Fremont Avenues North.

Southerly portion of north/south alley north of and intersecting 50<sup>th</sup> Avenue North between Fremont and Girard Avenues North.

Northerly portion of north/south alley south of and intersecting 50<sup>th</sup> Avenue North between Dupont and Emerson Avenues North.

Northerly portion of north/south alley south of and intersecting 50<sup>th</sup> Avenue North between Emerson and Fremont Avenues North.

Northerly portion of north/south alley south of and intersecting 50<sup>th</sup> Avenue North between Fremont and Girard Avenues North.

*Vac-1383:* 50<sup>th</sup> Avenue North (portion) located east and west of Humboldt Avenue North, adjacent to Blocks 6 and 8, Camden Bungalow Addition to Minneapolis

*Vac-1384:* Humboldt Avenue North between 49<sup>th</sup> Avenue North and 51<sup>st</sup> Avenue North.

*Vac-1385:* North/south alley bounded by 51<sup>st</sup> and 50<sup>th</sup> Avenues North immediately west of Humboldt Avenue North.

North/south alley bounded by 51<sup>st</sup> and 50<sup>th</sup> Avenues North and by Girard and Humboldt Avenues North.

North/south alley bounded by 49<sup>th</sup> and 50<sup>th</sup> Avenues North immediately west of Humboldt Avenue North.

North/south alley bounded by 49<sup>th</sup> and 50<sup>th</sup> Avenues North and by Girard and Humboldt Avenues North.

**Project Name:** Humboldt Greenway (Phases 2 and 3)

**Date Application Deemed Complete:** not applicable

**End of 60-Day Decision Period:** not applicable

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**Ward:** 4      **Neighborhood Organizations:** Lind-Bohanon Neighborhood Association  
Shingle Creek Neighborhood Association

**Existing Zoning:** R1A, R4, R5, C1

**Comprehensive Plan Designation:** Major Housing Site  
Community Corridor

**Proposed Use:** The Humboldt Greenway Project is a Planned Residential Development consisting of single-family homes, townhouses, and row houses. The Planning Commission approved Phases 1a and 1b on 6/19/00 and 12/11/00 respectively. The vacation applications reviewed herein facilitate re-subdivision of property, including the platting of new public rights-of-way to be included in platting for Phases 2 and 3.

**Related Review:** Phases 2 and 3 of the Humboldt Greenway require concurrent applications. These include application to amend the CUP for the Planned Residential Development; application to subdivide land to create new public rights-of-way, drainage and utility easements, and developable parcels; and application to rezone property to create consistent zoning for purposes of platting and redevelopment. These include the following applications, which are scheduled for a public hearing at the next Planning Commission meeting on November 18<sup>th</sup>:

- Rezoning (nine applications) BZZ 933 through and including BZZ 941
- Conditional Use Permit Application for a Planned Unit Development, BZZ 942, amending BZCU248 and BZCU169
- Preliminary and Final Plat, PL-124

## Previous Actions:

### *MCDA Redevelopment Planning*

- Humboldt Greenway Redevelopment Plan (dated November 6, 1998): Recommendation for approval by the Planning Commission on November 30, 1998 and adopted by the City Council on December 18, 1998.
- Humboldt Greenway Roadway Preliminary Layout (dated June 25, 1999): Approval by the City Council on August 27, 1999.
- Modification No. 1 to the Humboldt Greenway Redevelopment Plan (December 23, 1999): Recommendation for approval by the Planning Commission on January 18, 2000 and adopted by the City Council on February 4, 2000.
- Modification 67 to the Common Development and Redevelopment Plan and Common Tax Increment Finance Plan (Humboldt Greenway Redevelopment TIF District) (December 23, 1999): Recommendation for approval by the Planning Commission on January 18, 2000 and adopted by the City Council on February 4, 2000.
- Humboldt Greenway Redevelopment Tax Increment Finance Plan (December 23, 1999): Recommendation for approval by the Planning Commission on January 18, 2000 and adopted by the City Council on February 4, 2000.

### *Planning Commission approvals of Phase 1a Development Applications (6/19/00)*

- Rezoning, BZP36
- Conditional Use Permit Application for a Planned Unit Development, BZCU169
- Vacation, Vac-1325
- Preliminary and Final Plat, PL-59

### *Planning Commission approvals of Phase 1b Development Applications (12/11/00)*

- Rezoning, BZP45, BZP46, BZP47, and BZP48
- Conditional Use Permit Application for a Planned Unit Development, BZCU248 amending BZCU169
- Vacations, Vac-1337, Vac-1338, Vac-1339
- Preliminary and Final Plats, PL-76 and PL-77

## Background:

Ordinarily, street and alley vacation applications are reviewed and acted upon currently with their associated development applications (i.e., subdivision plat, rezoning, and CUP). The street and alley vacation applications reviewed herein are related to and associated with a proposed subdivision plat (PL-124), which will dedicate new public ROW as well as new drainage and utility easements. (The proposed subdivision plat is attached as an exhibit.) This plat and associated development applications are scheduled, however, for the following CPC meeting on November 18<sup>th</sup>, 2002.

The vacation applications reviewed herein are associated with a comprehensive re-alignment of public streets and alleys as part of a Planned Residential Development. The re-alignment of Humboldt Avenue North has already occurred on County property, so that the vacation of the old alignment does not in any

way affect the operations of Humboldt Avenue as a County Road. The proposed Humboldt Greenway 5<sup>th</sup> Addition subdivision plat will dedicate new public ROW for Humboldt Avenue that is consistent with its current alignment. The vacation of a portion of 50<sup>th</sup> Avenue reflects the truncation of 50<sup>th</sup> Avenue, which will terminate slightly east of its former location at the proposed Humboldt Lane North. (Humboldt Avenue and Humboldt Lane arc and intersect with one another, forming an elliptical "Central Green" area. See attached site plan exhibit.) Vacation applications 1382 and 1385 are associated with either the re-configuration of existing alleys into T-shaped and C-shaped alleys, or their abandonment as part of new open space. (See attached exhibits.)

The ordinary policy of both Public Works and the Planning Department requires simultaneous vacation (of old ROW) with dedication (of new ROW). Extraordinary circumstances involve a request for Planning Commission action one cycle before taking action on the subdivision plat. This timeline allows the Planning Commission to act on the subdivision plat just prior to the vacation applications reaching Council on November 22<sup>nd</sup>. In exchange for deviation from normal protocol, Public Works requests that the vacation applications be tabled at Council should problems arise with the approval of the proposed subdivision plat.

Hennepin County's request for early action on ROW vacation is related to attempts by Hennepin County to record the subdivision plat by the end of the year. Certain processes in the filing of the subdivision plat cannot occur until the applicant obtains vacation resolutions by the City Council. Filing the plat by the end of the year alleviates tax and procedural complexities that would arise by waiting until the new year. The sheer complexity of the project, including unanticipated delays, has resulted in the current predicament. Filing a plat sooner rather than later also expedites the assignment of new street addresses, necessary for permits to be obtained for the placement of new sewer and water stubs. This latter engineering work must occur prior to roadway construction. Meeting a tight timeline and staving off further delay saves public dollars.

Ordinarily, it would be inappropriate for the Planning Commission to approve vacation of public rights-of-way where existing or new right-of-way is necessary for access to property and utility service. Public investment in this project is considerable and details of its design have received considerable scrutiny by the City Council, public utilities, City staff and the public. Staff recommends that the timeline and contingencies proposed herein allow sufficient assurances as to the appropriateness of approval at this time.

## **STREET AND ALLEY VACATION**

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**V-1382-** Southerly portion of north/south alley north of and intersecting 50<sup>th</sup> Avenue North between Dupont and Emerson Avenues North.

Southerly portion of north/south alley north of and intersecting 50<sup>th</sup> Avenue North between Emerson and Fremont Avenues North.

Southerly portion of north/south alley north of and intersecting 50<sup>th</sup> Avenue North between Fremont and Girard Avenues North.

Northerly portion of north/south alley south of and intersecting 50<sup>th</sup> Avenue North between Dupont and Emerson Avenues North.

Northerly portion of north/south alley south of and intersecting 50<sup>th</sup> Avenue North between Emerson and Fremont Avenues North.

Northerly portion of north/south alley south of and intersecting 50<sup>th</sup> Avenue North between Fremont and Girard Avenues North.

### **Responses from Utilities and Affected Property Owners:**

**Xcel Energy:** Requests easement for the "Easterly 10 feet of the portion of each of the three public alleys included within the proposed vacation area".

**Qwest:** Requests easement "for existing facilities as well as new facilities to accommodate the Humboldt Greenway Development projects".

**Reliant Minnegasco:** No objection.

**MCI Worldcom:** No objection.

**Time Warner Cable:** Requests retention of "easement rights in that area or given a new easement so that we can supply our services to the new project".

**Park and Recreation:** No response.

**Public Works:** Requests a drainage easement over, under and across all of each alley to be vacated except the southerly portion of the north/south alley north of and intersecting 50<sup>th</sup> Avenue North between Fremont and Girard Avenues North.

Further, the City and County have agreed to a nonconforming design for the new alleys being dedicated by the County (*by Humboldt Greenway 5<sup>th</sup> Addition*). Public Works expects that the County will construct the alleys in a manner that allows maximum use of the pavement to divert vehicle traffic away from any existing private garages and still provide public service vehicles with an adequate turn radius at

the alley intersections. The alley pavement will be offset from the centerline of the alley to provide 3 feet of unpaved surface on the southside (*ed. note: the applicable side would be the northside for those alleys south of 50<sup>th</sup> Avenue*). Private driveway reconstruction necessitated by the new alley alignment will be designed and built to the same standard as the alley pavement.

**Fire Department:** No objection.

**Mn/DOT:** No objection.

**Union Pacific Railroad:** No objection.

**FINDINGS:** The Public Works Department and City Planning Department find that the areas proposed for vacation can be vacated if any easements and ROW dedications required above are granted by the petitioner(s). Staff have determined that the required drainage/utility easements and ROW dedications are incorporated into the Humboldt Greenway 5<sup>th</sup> Addition subdivision, as proposed.

**PLANNING DEPARTMENT RECOMMENDATION:**

The City Planning Department recommends that the City Planning Commission and the City Council accept the above findings and approve alley vacation application Vac-1382, reviewed herein, subject to approval of the proposed Humboldt Greenway 5<sup>th</sup> Addition subdivision plat by the City Planning Commission in which required drainage and utility easements and ROW dedications would occur.

## **STREET AND ALLEY VACATION**

**Vac-1383:** 50<sup>th</sup> Avenue North (portion) located east and west of Humboldt Avenue North, adjacent to Blocks 6 and 8, Camden Bungalow Addition to Minneapolis

### **Responses from Utilities and Affected Property Owners:**

**Xcel Energy:** Requests easement for the "Northerly 10 feet of the proposed vacation area".

**Qwest:** Requests easement for the "north 20' of 50<sup>th</sup> Avenue N. R.O.W. from Old Humboldt Avenue N. R.O.W. to new Humboldt Ave. N. R.O.W."

**Reliant Minnegasco:** No objection.

**MCI Worldcom:** No objection.

**Time Warner Cable:** No objection.

**Park and Recreation:** No response.

**Public Works:** Requests easement "for water main purposes over, under and across the South 25 feet of the North 30 feet and the North 5 feet of the South 30 feet of the proposed vacation areas". Requests further, west of Humboldt Avenue North, "easement for sewer line purposes over, under and across the South 20 feet of the North 30 feet, and the North 20 feet of the South 30 feet." Requests further, east of Humboldt Avenue North "easement for sewer line purposes over and under the entire area which is proposed to be vacated".

**Fire Department:** No objection.

**Mn/DOT:** No objection.

**Union Pacific Railroad:** No objection.

**FINDINGS:** The Public Works Department and City Planning Department find that the areas proposed for vacation can be vacated if any easements and ROW dedications required above are granted by the petitioner(s). Staff have determined that the required drainage/utility easements and ROW dedications are incorporated into the Humboldt Greenway 5<sup>th</sup> Addition subdivision, as proposed.

### **PLANNING DEPARTMENT RECOMMENDATION:**

The City Planning Department recommends that the City Planning Commission and the City Council accept the above findings and approve alley vacation application Vac-1383, reviewed herein, subject to approval of the proposed Humboldt Greenway 5<sup>th</sup> Addition subdivision plat by the City Planning Commission in which required drainage and utility easements and ROW dedications would occur.

## **STREET AND ALLEY VACATION**

**Vac-1384:** Humboldt Avenue North between 49<sup>th</sup> Avenue North and 51<sup>st</sup> Avenue North.

### **Responses from Utilities and Affected Property Owners:**

**Xcel Energy:** Requests easement for a "15 foot strip of land being 7.5 feet on each side of the westerly extension of the South line of Block 8."

**Qwest:** Requests "20' of easement within this vacation area located at 50<sup>th</sup> Avenue N. and Humboldt Ave. N. The easement is needed for existing as well as new facilities required to accommodate the Humboldt Greenway Development projects."

**Reliant Minnegasco:** Requests easement for "that part of Humboldt Avenue North which lies north of the north right-of-way line of 49<sup>th</sup> Avenue North and which lies south of the easterly extension of the south line of Lot 9, Block 6, Shingle Creek Addition."

**MCI Worldcom:** No objection.

**Time Warner Cable:** Requests that "the fiber crossing on the corner of 49<sup>th</sup> Avenue North and Humboldt Avenue North will not need to be moved and also retain that easement".

**Park and Recreation:** No response.

**Public Works:** Requests easement "for water main purposes over, under and across the East 25 feet of the West 33 feet and the West 5 feet of the East 33 feet of the proposed vacation area".

**Fire Department:** No objection.

**Mn/DOT:** No objection.

**Union Pacific Railroad:** No objection.

**FINDINGS:** The Public Works Department and City Planning Department find that the areas proposed for vacation can be vacated if any easements and ROW dedications required above are granted by the petitioner(s). Staff have determined that the required drainage/utility easements and ROW dedications are incorporated into the Humboldt Greenway 5<sup>th</sup> Addition subdivision, as proposed.

### **PLANNING DEPARTMENT RECOMMENDATION:**

The City Planning Department recommends that the City Planning Commission and the City Council accept the above findings and approve alley vacation application Vac-1384, reviewed herein, subject to approval of the proposed Humboldt Greenway 5<sup>th</sup> Addition subdivision plat by the City Planning Commission in which required drainage and utility easements and ROW dedications would occur.



## **STREET AND ALLEY VACATION**

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**Vac-1385:** North/south alley bounded by 51<sup>st</sup> and 50<sup>th</sup> Avenues North immediately west of Humboldt Avenue North. (Block 6 of Thorpe Bros. Maple Leaf Addition and Block 1 of Shingle Creek Addition)

North/south alley bounded by 51<sup>st</sup> and 50<sup>th</sup> Avenues North and by Girard and Humboldt Avenues North. (Block 8 of Camden Bungalow Addition)

North/south alley bounded by 49<sup>th</sup> and 50<sup>th</sup> Avenues North immediately west of Humboldt Avenue North. (Block 6 of Shingle Creek Addition)

North/south alley bounded by 49<sup>th</sup> and 50<sup>th</sup> Avenues North and by Girard and Humboldt Avenues North. (Block 9 of Camden Bungalow Addition)

### **Responses from Utilities and Affected Property Owners:**

**Xcel Energy:** Requests a "15 foot wide strip of land lying north of the easterly extension of the South line of Lot 4, Block 1, Shingle Creek Addition and lying south of the easterly extension of a line drawn parallel with and 15 feet north of said Lot 4, Block 1, Shingle Creek Addition"; and the "East 15 feet of the dedicated public alley bounded by 49<sup>th</sup> Avenue North, 51<sup>st</sup> Avenue North, Girard Avenue and Humboldt Avenue North".

**Qwest:** Requests "easements within vacation areas located in Blocks 8 and 9" of Camden Bungalow Addition.

**Reliant Minnegasco:** No objection.

**MCI Worldcom:** No objection.

**Time Warner Cable:** Requests retention of "easement rights in that area or given a new easement so that we can supply our services to the new project".

**Park and Recreation:** No response.

**Public Works:** No objection.

**Fire Department:** No objection.

**Mn/DOT:** No objection.

**Union Pacific Railroad:** No objection.

**FINDINGS:** The Public Works Department and City Planning Department find that the areas proposed for vacation can be vacated if any easements and ROW dedications required above are granted by the petitioner(s). Staff have determined that the required drainage/utility easements and ROW dedications are incorporated into the Humboldt Greenway 5<sup>th</sup> Addition subdivision, as proposed.

**PLANNING DEPARTMENT RECOMMENDATION:**

The City Planning Department recommends that the City Planning Commission and the City Council accept the above findings and approve alley vacation application Vac-1385, reviewed herein, subject to approval of the proposed Humboldt Greenway 5<sup>th</sup> Addition subdivision plat by the City Planning Commission in which required drainage and utility easements and ROW dedications would occur.

**Attachments:**

- Project Area Site Plan
- Street and Alley Vacation File Aerial Photos
- Humboldt Greenway 5<sup>th</sup> Addition Proposed Subdivision Plat